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**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

**MAY - 7 1993**

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of	)	
	)	MM Docket No. <u>93-48</u>
	)	
Policies and Rules Concerning	)	
Children's Television Programming	)	
	)	
Revision of Programming Policies	)	
for Television Broadcast Stations	)	

**COMMENTS  
 OF  
FOX CHILDREN'S NETWORK**

Fox Children's Network, Inc. (FCN) files the following comments in response to the Notice of Inquiry (Notice) in the above-referenced proceeding.

**INTRODUCTION**

Fox Children's Network was created in early 1990 as the result of an unprecedented collaboration between Fox Broadcasting Company and its affiliates. In just three years, FCN has grown to be a leading supplier of children's programming and has been number one in children's audience share and rating in every time period in which we program.

FCN's unprecedented success story is due in large measure to the unstinting efforts of its president, Margaret Loesch, whose 18-year career in children's television has included executive positions at Marvel Productions, Hanna-Barbera, NBC and ABC, and

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its vice presidents, Karen Barnes, a veteran of Jim Henson Productions, and Dr. Helen Boehm, a child psychologist and former Director of the Children's Advertising Review Unit of the Council of Better Business Bureaus.

### **DISCUSSION**

Through FCN, Fox has become the first network to present regularly-scheduled weekday programming designed for children. As our schedule has grown, we have by design attempted to offer diverse programming on weekdays and Saturdays, in an effort to appeal to the diverse interests of all children.

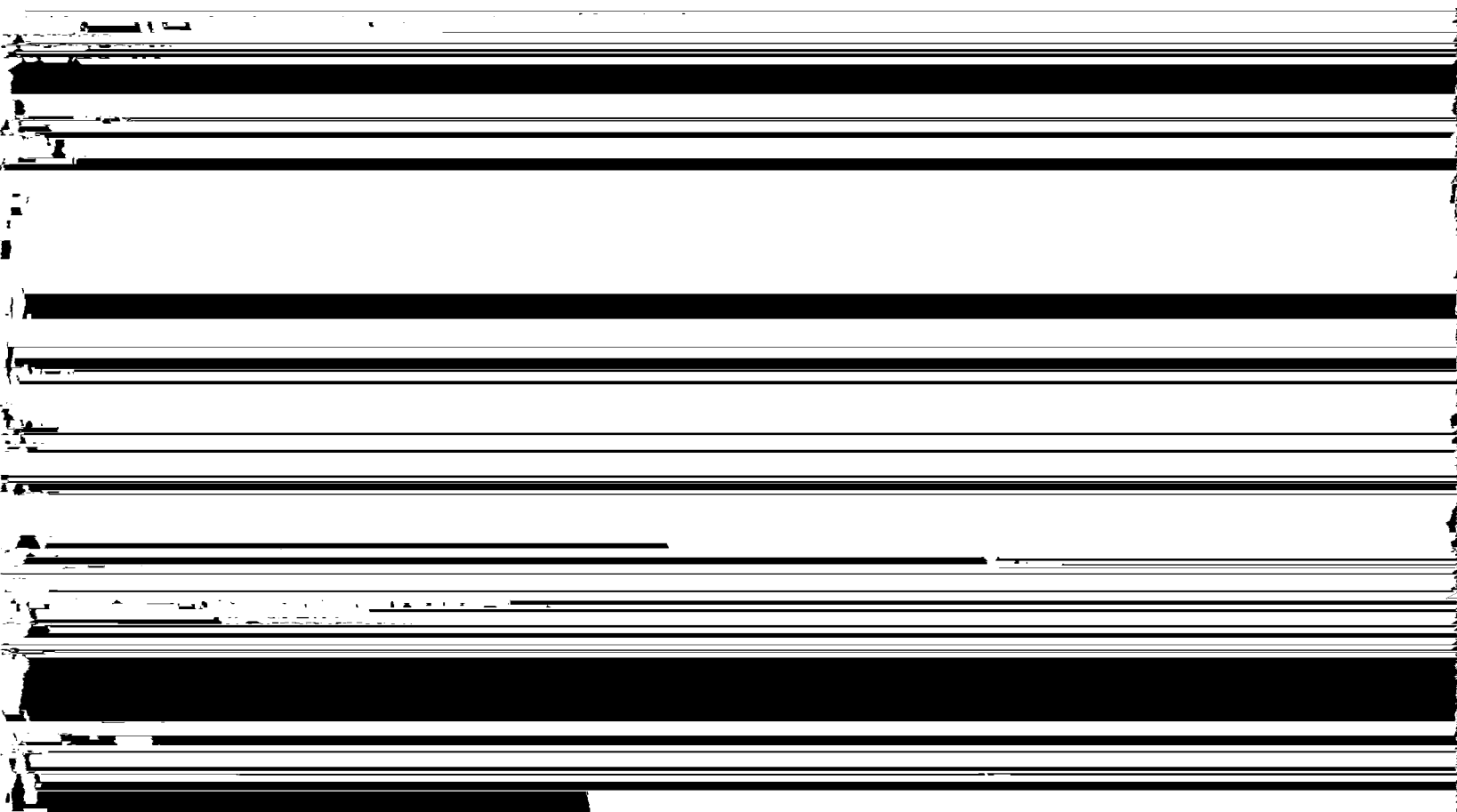
#### **Standard Length Programming**

It has been our belief that television should not be regarded as a substitute for school. Indeed, producing "school on TV" is easy, as compared to providing a stimulating supplement to the classroom that addresses extracurricular, social learning objectives. We try to use the awesome power of our medium to address important social, environmental and health issues that may not be addressed in school. In the overall context of entertainment, all of our programming includes elements that are designed to teach children to rehearse strategies they will need in dealing with others and to feel good about themselves. This material is seamlessly interwoven into program content, not "wrapped around" at the beginning or end of a program.

For example, one of our first series, **ZaZoo U**, situated at a school, was designed to celebrate words and language, including poetry. **Fox's Peter Pan & the Pirates**, based on the classic James Barrie book, also emphasized language and vocabulary. Tim Curry, the voice of Captain Hook, won an Emmy as Outstanding Actor in an Animated series in 1990-91 season. We also assisted Children's Television Workshop in the launch of its Public Broadcasting Service series, **Ghostwriter**, a program devoted to literacy, both by promoting the PBS series and broadcasting the premiere episode on Fox. **Bobby's World** addresses social and family issues that children face in their real lives. **Bobby's**

the Commission, we are not here arguing that programs on our current schedule necessarily meet the "core" programming test only recently articulated in the Notice.

It has been our premise that the most successful educational children's programming must first capture young imaginations.



conveying information to the child audience, perhaps more effective than standard-length programming. Indeed, 30- and 60-minute programming was never intended to be used to meet the learning needs of children. The standard program lengths were not designed to best take advantage of the developing cognitive abilities of young children. Rather, short segments, which grab children's attention immediately and hold it briefly, have been shown to be a much more effective didactic tool for the electronic media. Sesame Street is perhaps the most well-known example of this phenomenon.

In recognition of this, FCN has devoted considerable resources to the production of interstitial material in a wide variety of subject areas, including pro-social values, safety, nature, science, geography and the environment. Our **Totally For Kids** interstitial minutes are a series of messages that stimulate thought, create deeper awareness and impart to children valuable, practical information that they can apply to their own lives. The progressive focuses of these spots can be likened to a series of ever-broadening circles, starting with the child's inner self and emotions, progressing to the child's immediate surroundings and finally addressing the world at large. The **Totally for Kids** interstitial messages won an Action for Children's Television Outstanding Achievement in Children's Television Award for the 1990-91 season and that season's PSAs placed as a finalist for best director, International Monitor Award. FCN also recently received a prestigious NEA Award for the Advancement of Learning

Through Broadcasting for its 1992 public service announcements. A videotape of representative samples is submitted with these comments, as the following descriptions simply fail to capture the vibrant intensity with which these messages are conveyed.

**A Message Totally For Kids** addresses the child's inner world of thoughts and feelings. These moving motivational vignettes feature children reflecting on such topics as the meaning of patience, self image, empathy, creativity, respect and excellence. Our series of "music video" PSAs puts important social values, such as gender equality, racial harmony and individuality, to music in an attractive, contemporary context.

**The Totally Kids Detective Agency** public service announcements are designed to teach children how to be street smart in the world around them. With the help of child advocate and **America's Most Wanted** host John Walsh, three young detectives illustrate everyday situations that signal potential danger and provide concise information on how to handle such situations in a simple, smart and safe manner. Another series in which John Walsh is featured teaches healthy nutritional values.

Addressing concerns related to the world at large is a series of **Totally For Kids** interstitial messages regarding environmental issues and an another series designed to teach

children to be culturally aware, i.e., "art smart." Mr. Wizard series of spots address scientific issues of interest to our young audience.

We doubt that de-emphasizing the importance of short-segment educational material in favor of standard-length programming actually will inure to the educational benefit of the child audience. This may be a case where more, in the sense of longer, is not better. Indeed, the total time FCN devotes to educational interstitial material per week may well be equivalent to a standard-length program; but current research, as interpreted by our Advisory Board, substantiates our view that its impact is much more effective as presented in short segments.

#### **Expert Advisors**

FCN relies not only upon the academic literature in developing program concepts, but also screens its programming for an Advisory Board comprising individuals who work with all kinds of children everyday--a pediatrician, a child psychologist, a welfare worker, an educator, among others--many of whom also are parents. They are: Dr. Kenyon Chan, Professor of Psychology, California State University; Billie Jean Garren, Teacher, Los Angeles, California; Karen Jaffe, Executive Director, KIDSNET; Dr. Francis M. Palumbo, Pediatrician, American Academy of Pediatrics; Madelyn Bonnot, General Manager, WNOL-TV, New Orleans; Luisa Lopez, Special Assistant for Affirmative Action,

National Association for Social Workers. The Board critically evaluates the messages in our short- and long-form programming and provides invaluable input to FCN program executives, based both on the professional expertise and objectivity of its members.

### **Fox Kids' Club**

FCN was conceived with the underlying philosophy that television can and should be interactive entertainment for children, and only in that way can it inform, educate and stimulate. This philosophy extends to our off-air commitment to children, as well as our programming. FCN has invited children to join us through membership in the Fox Kids' Club, which today boasts over 3,500,000 members, with new enrollment at a rate in excess of 40,000 per week. Membership is free and includes a quarterly, 16-page, full-color magazine, with features promoting environmental concerns (**EARTH CREW**), literacy and community public service. **KIDS TALK**, a column in which Kids' Club members answer questions about issues that matter to them, generates literally thousands of viewer letters.

### **Public Service**

FCN also has participated in community activities to benefit children, including, for example, its sponsorship of the Los Angeles Animation Festival, an annual event designed to raise



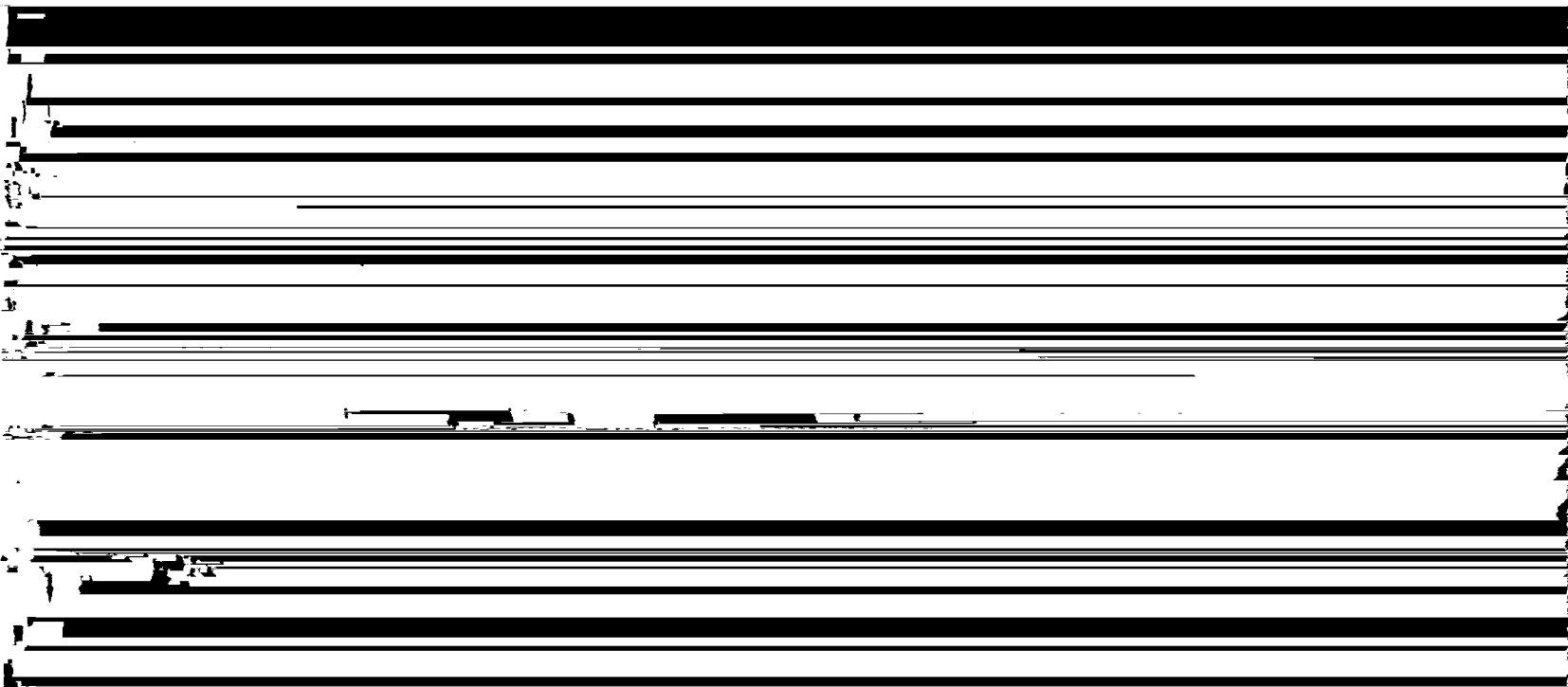
funds to pay for goods and services not provided to children in foster care by Los Angeles social services agencies, such as eyeglasses, hearing aids or closed captioning decoder boxes for hearing-impaired children.

### **CONCLUSION**

We are extremely proud of all of the above-described efforts and accomplishments. But we do not believe that they are unique among broadcasters. FCN's commitment to serve our child audience is shared by many other broadcasters. Unfortunately, an unscientific review of some license renewal applications filed less than one year after the Children's Television Act went into effect appears to have convinced the Commission to the contrary, that without additional guidance as to the form, length, content and scheduling of their children's programs, licensees will not meet their statutory obligation, notwithstanding the fact that the statute explicitly (and rightfully) leaves program content judgments to licensees' discretion.

The Notice itself recognizes that the meager evidence available to date reveals no widespread pattern of abuse that would warrant additional Commission intervention at such an early juncture. Nevertheless, the Commission appears determined to venture ever deeper into the dangerous area of content regulation. We say "dangerous" because, First Amendment concerns aside, the more explicitly the government delineates the

parameters of the program standard, the higher the risk that innovative program concepts that might deviate slightly from that standard will not be explored. The closer the government gets to a list of "approved" programs (such as those cited with approval in the legislative history and repeated in the Notice), and to an approved amount of them, the less likely will licensees be to venture off that list and develop new creative avenues, to exploit fully the potential of television as an educational medium for children. That is, all children's television will look more and more alike and become less and less attractive for children. Both qualitative and quantitative standards will have the effect of homogenizing children's television. In particular, a daily required amount of "educational programming will reduce the variety of presentation available to broadcasters. If the Commission is bound to establish minimums, licensees should be allowed to aggregate these amounts within a one, two, or three



talented programmers will be limited. The "hybrid" types of programs that combine education and entertainment--as opposed to slapping a pro-social message on the end, which, contrary to the Notice's supposition, is not the only way educational material is interwoven with entertainment--may well have a greater impact on children, in terms of holding their attention and capturing their imaginations, than programming that is primarily educational, with entertainment a clearly secondary goal.

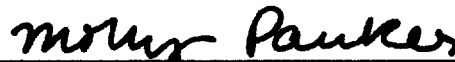
We are not convinced that narrowing the options ultimately will serve the child audience; nevertheless, we appreciate the difficulty the Commission faces in administering a statute with a mandated program content component, and our good faith efforts at compliance, and those of other broadcasters undoubtedly will continue. Our only caveat is that the Commission recognize the time constraints faced in the program marketplace and not activate a specific processing guideline or other standard until the 1994-1995 season. Development and program licensing has been completed for the 1993-1994 season. Most broadcasters' schedules are already fully committed.

Finally, as the Notice recognizes, there simply is not sufficient product available now that would meet the new "core" requirement. FCN has acquired the rights to develop an animated version of the PBS series **Where in the World is Carmen Sandiego?**, which, with input from an educational consultant and the original

developers of the PBS series, we hope to launch in mid-to-late fall, 1993, on Saturdays. However, plans for an after school, live action series are still in seminal form.

We treat our children's schedule as seriously as any adult schedule: All the programs in our line up must fit together conceptually and be of consistently high quality. These are our own creative standards. If it is mandated: "Education explicit and entertainment implicit," we shall strive to meet that test; but we do not believe it would serve the interests of our audience if the overall quality of our product were compromised in order to meet a hastily-adopted new standard. Children are as discerning an audience, in terms of quality, as adults, and it is our most important goal to continue to meet the high standards our child audience sets for us, whatever kind of programming is mandated and in whatever quality.

Respectfully submitted,



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May 7, 1993